Revise the September 8, 1994 Basin Plan, Chapter 4, Page IV-1, Table of Contents as follows:

Draft July 23, 2002

CHAPTER 4. IMPLEMENTATION PLAN

A program of implementation to protect beneficial uses and to achieve water quality objectives is an integral component of this Basin Plan. The program of implementation is required to include, but is not limited to:

- A description of the nature of actions which are necessary to achieve the objectives, including recommendations for appropriate action by any entity, public or private.
- A time schedule for the actions to be taken.
- A description of surveillance to be undertaken to determine compliance with objectives.

Additional surveillance activities to determine compliance with objectives are described in Chapter Six, "Surveillance and Monitoring".

This chapter includes discussions of:

- Regional Water Quality Control Board Goals;
- General Control Actions and Related Issues;
- Waste Discharge Regulation;
- Hazardous Waste Compliance Issues; and
- Nonpoint Source Measures.

~~Detailed descriptions of waterbodies with their specific water quality problems and recommended control actions are included in the Region's Water Quality Assessment database and Fact Sheets.~~

This chapter is organized in the following manner:

Revise the September 8, 1994 Basin Plan, Chapter 4, Page IV-3, Section V.A. Waste Discharge Restrictions as follows:

V.A. ~~WASTE DISCHARGE RESTRICTIONS~~ CONTROL OF POINT SOURCE POLLUTANTS

Revise the September 8, 1994 Basin Plan, Chapter 4, Pages IV-5 and IV-6, Section V.A.7. BEST MANAGEMENT PRACTICES as follows (Moved to page IV-45, Section VIII.A.):

V.A.7. BEST MANAGEMENT PRACTICES

Property owners, managers, or other dischargers may implement "Best Management Practices" to protect water quality. (Implementation and enforcement of Best Management Practices are discussed below under the "Nonpoint Source Measures" section of this chapter). The term "Best Management Practices" is used in reference to control measures for nonpoint source water pollutants and is analogous to the terms "Best Available Technology/Best Control Technology" used for control of point source pollutants. The U.S. EPA (40 Code of Federal Regulations Section 103.2[m]) defines Best Management Practices as follows:

> "Methods, measures, or practices selected by an agency to meet its nonpoint source control needs. Best Management Practices include, but are not limited to structural and nonstructural controls and operation and maintenance procedures. Best Management Practices can be applied before, during, and after pollution producing activities to reduce or eliminate the introduction of pollutants into receiving waters."

U.S. EPA regulations (40 Code of Federal Regulations Section 103.6[b][4][i]) provide that Basin Plans:

> "...shall describe the regulatory and nonregulatory programs, activities, and Best Management Practices which the agency has selected as the means to control nonpoint source pollution where necessary to protect or achieve approved water uses. Economic, institutional, and technical factors shall be considered in a continuing process of identifying control needs and evaluating and modifying the Best Management Practices as necessary to achieve water quality goals."

Best Management Practices fall into two general categories:

1. Source controls which prevent a discharge or threatened discharge.

These may include measures such as recycling of used motor oil, fencing stream banks to prevent livestock entry, fertilizer management, street cleaning, revegetation and other erosion controls, and limits on total impervious surface coverage. Because the effectiveness of Best Management Practices is often uncertain, source control is generally preferable to treatment. It is also often less expensive.

2. Treatment controls which remove pollutants from a discharge before it reaches surface or ground waters.

Examples include infiltration facilities, oil/water separators, and constructed wetlands.

Several important points about Best Management Practices must be emphasized:

- Best Management Practices are not officially considered "best" practices for use in California unless they have been certified by the State Board.

- The use of Best Management Practices does not necessarily ensure compliance with effluent limitations or with receiving water objectives. Because nonpoint source control has been a priority only since the 1970's, the long-term effectiveness of some Best Management Practices has not yet been documented. Some source control Best Management Practices (e.g., waste motor oil recycling) may be 100 percent effective if implemented properly. Monitoring and evaluation of Best Management Practice effectiveness is an important part of nonpoint source control programs.

- The selection of individual Best Management Practices must take into account specific site conditions (e.g., depth to ground water, quality of runoff, infiltration rates). Not all Best Management Practices are applicable at every location. High ground water levels may preclude the use of runoff infiltration facilities, while steep slopes may limit the use of wet ponds.

- To be effective, most Best Management Practices must be implemented on a long term basis. Structural Best Management Practices (e.g., wet ponds and infiltration trenches) require periodic maintenance, and may eventually require replacement.

- The "state-of-the-art" for Best Management Practices design and implementation is expected to change over time. The State planning process will include periodic review and update of Best Management Practices certifications.

□

General information on recommended nonpoint source management practices is provided under different water quality problem categories throughout this chapter. For detailed information on the design, implementation, and effectiveness of specific Best Management Practices, the reader should consult the appropriate Best Management Practices Handbook for the project type or location.

Revise the September 8, 1994 Basin Plan, Chapter 4, Pages IV-7 and IV-8, Section V.B., NONPOINT SOURCE PROGRAM as follows (Moved to page IV-44, Section VIII.):

V.B. NONPOINT SOURCE PROGRAM

Nonpoint source pollution has been identified as a major cause of water pollution throughout the United States, and the California Central Coast Region is no exception. Nonpoint sources of water pollution are generally defined as sources which are diffuse (spread out over a large area). These sources are not as easily regulated or controlled as are point sources. Nonpoint source pollution is caused by land use activities or anthropomorphic activities. Deposition of pollutants may occur in lakes, rivers, wetlands, coastal waters, or ground waters.

In order to address the nonpoint source pollution problem nationwide, the U.S. Congress incorporated Section 319 into the 1987 amendments to the Clean Water Act. By amending the Clean Water Act, Congress shifted the federal emphasis from nonpoint source pollution planning and problem identification to a new nonpoint source action program. Section 319 of the federal Clean Water Act required each state to develop a State Nonpoint Source Management Program describing the measures the State would take to address nonpoint sources of pollution. In November 1988, the State Water Resources Control Board adopted a Nonpoint Source Management Plan which outlined steps to initiate the systematic management of nonpoint sources in California. For effective management of nonpoint sources the Management Plan required:

- An explicit long-term commitment by the State Board and Regional Boards;
- More effective coordination of existing State Board and Regional Board nonpoint source related programs;
- Greater use of Regional Board regulatory authority coupled with nonregulatory Regional Board programs;
- Stronger links between the local, State, and federal agencies which have authority to manage nonpoint sources; and
- Development of new funding sources.

The 1988 State Board Nonpoint Source Management Plan advocates three approaches for addressing nonpoint source management:

1. Voluntary implementation of Best Management Practices

Property owners or managers may volunteer to implement Best Management Practices. Implementation could occur for economic reasons and/or through awareness of environmental benefits.

2. Enforcement of Best Management Practices

Although the California Porter-Cologne Water Quality Control Act constrains Regional Boards from specifying the manner of compliance with water quality standards, there are two ways in which Regional Boards can use their regulatory authorities to encourage implementation of Best Management Practices.

First, the Regional Board may encourage Best Management Practices by waiving adoption of waste discharge requirements on condition that discharges comply with Best Management Practices. Alternatively, the Regional Board may enforce Best Management Practices indirectly by entering into management agency agreements with other agencies which have the authority to enforce Best Management Practices.

The Regional Board will generally refrain from imposing effluent requirements on discharges that are implementing Best Management Practices in accordance with a waiver of waste discharger requirements, and approved Management Agency Agreements, or other State or Regional Board formal action.

3. Adoption of Effluent Limitations

The Regional Board can adopt and enforce requirements on the nature of any proposed or existing waste discharge, including discharges from nonpoint sources. Although the Regional Board is precluded from specifying the manner of compliance with waste discharge limitations, in appropriate cases, limitations

~~may be set at a level which, in practice, requires implementation of Best Management Practices.~~

~~Not all of the categories of nonpoint source pollution follow this three tiered approach. For example, silviculture activities on non federal lands are administered by the California Department of Forestry. The State Board has entered into a Management Agency Agreement with California Department of Forestry which allows the Regional Boards to review and inspect timber harvest plans and operations for implementation of Best Management Practices for protection of water quality.~~

~~The Regional Board approach to addressing or regulating categories of nonpoint source pollution is discussed in various sections throughout this chapter.~~

Revise the September 8, 1994 Basin Plan, Chapter 4, Page IV-44 and Page IV-45, Section VIII. NONPOINT SOURCE MEASURES as follows:

VIII. ~~NONPOINT SOURCE PROGRAM~~ CONTROL OF NONPOINT SOURCE ~~MEASURES~~ POLLUTANTS

Nonpoint source pollution has been identified as a major cause of water pollution throughout the ~~United States, and the California~~ Central Coast Region ~~is no exception~~. Nonpoint sources of water pollution are generally defined as diffuse discharges of waste without a single point of origin ~~sources which are diffuse (spread out over a large area). These sources are not as easily regulated or controlled as are point sources.~~ Nonpoint source pollution is typically caused by land use activities or anthropomorphic activities. Deposition of pollutants may occur in lakes, rivers, wetlands, coastal waters, or ground waters.

~~In order to~~To address ~~the~~ nonpoint source pollution ~~problem~~ nationwide, the U.S. Congress incorporated Section 319 into the 1987 amendments to the Clean Water Act. ~~By a~~Amend~~ing~~ments to the Clean Water Act (www.swrcb.ca.gov/rwqcb3/), ~~Congress~~ shifted ~~the~~ federal emphasis from nonpoint source pollution planning and problem identification to a ~~new~~ nonpoint source action program. Section 319 of the federal Clean Water Act required each state to develop a State Nonpoint Source Management Program describing the measures the State would take to address nonpoint sources of pollution. In November 1988, the State Water Resources Control Board adopted a Nonpoint Source Management Plan ~~which~~ that outlined steps to initiate the systematic management of nonpoint sources in California. The Nonpoint Source Management Plan was revised to become the "Nonpoint Source Pollution Control Program (January 2000)" in December 1999 (www.swrcb.ca.gov/rwqcb3/). The State Water Resources Control Board adopted Resolution 99-114, revising the Nonpoint Source Pollution Control Program on December 14, 1999 pursuant to Section 319 of the Clean Water Act. ~~For effective management of nonpoint sources the Management Plan required:~~

~~□An explicit long-term commitment by the State Board and Regional Boards;~~

~~□More effective coordination of existing State Board and Regional Board nonpoint source related programs;~~

~~□Greater use of Regional Board regulatory authority coupled with nonregulatory Regional Board programs;~~

~~□Stronger links between the local, State, and federal agencies which have authority to manage nonpoint sources; and~~

- ~~Development of new funding sources.~~

The 2000 Nonpoint Source Pollution Control Program is a coordinated statewide approach to managing nonpoint source pollution structured around 61 management measures. Management measures serve as goals for the control and prevention of polluted runoff. Site-specific management practices are used to achieve the goals of each management measure. Implementation of management measures will occur using a fifteen-year strategy with three nested five-year implementation plans. The fifteen-year strategy and each five-year implementation plan use an iterative program process. The program process includes:

(1) Assessing Program activities
(2) Targeting efforts
(3) Planning activities based on Program goals and objectives
(4) Coordinating the efforts of federal, State, and local agencies and stakeholders
(5) Implementing coordinated actions
(6) Tracking and monitoring the results of implemented actions
(7) Reporting on Program results. The Program Plan is designed to be flexible and adaptable over time.

Specifically, the 2000 Nonpoint Source Pollution Control Program:

1. Adopts 61 management measures as goals for six nonpoint source categories (agriculture, forestry, urban areas, marinas and recreational boating, hydromodification, and wetlands/riparian areas/vegetated treatment systems)
2. Provides a fifteen-year strategy for implementing Management Measures

3. Continues use of the "Three-Tiered Approach" for addressing NPS pollution problems
    a) Tier 1: Self-Determined Implementation of Management Practices (formerly referred to as "voluntary" implementation)
    b) Tier 2: Regulatory Based Encouragement of Management Practices
    c) Tier 3: Effluent Limitations and Enforcement Actions
1. Provides the first of three five-year implementation plans targeting activities for specific management measures consistent with state and regional priorities in specific watersheds and also establishes mechanisms for: (a) coordination among agencies; (b) participation by the public; (c) assistance technically and financially; (d) adoption of additional management measures as goals, if needed; and; (e) monitoring and reporting of program effectiveness
2. Promotes long-term interagency coordination among State agencies of the California Environmental Protection Agency and Resources Agency as well as other local, State, and federal agencies
3. Identifies back-up authorities and enforceable policies and mechanisms for the 61 management measures adopted by the State
4. Relies on the use of existing authorities and regulatory processes to achieve implementation but allows for the adoption of the management measures as regulation after each five-year cycle if adequate progress in NPS pollution control has not been demonstrated

~~The 1988 State Board Nonpoint Source Management Plan advocates three approaches for addressing nonpoint source management:~~

~~1. Voluntary implementation of Best Management Practices~~

~~Property owners or managers may volunteer to implement Best Management Practices. Implementation could occur for economic reasons and/or through awareness of environmental benefits.~~

~~2. Enforcement of Best Management Practices~~

~~Although the California Porter-Cologne Water Quality Control Act constrains Regional Boards from specifying the manner of compliance with water quality standards, there are two ways in which Regional Boards can use their regulatory authorities to encourage implementation of Best Management Practices.~~

~~First, the Regional Board may encourage Best Management Practices by waiving adoption of waste discharge requirements on condition that discharges comply with Best Management Practices. Alternatively, the Regional Board may enforce Best Management Practices indirectly by entering into management agency agreements with other agencies which have the authority to enforce Best Management Practices.~~

~~The Regional Board will generally refrain from imposing effluent requirements on discharges that are implementing Best Management Practices in accordance with a waiver of waste discharger requirements, and approved Management Agency Agreements, or other State or Regional Board formal action.~~

~~3. Adoption of Effluent Limitations~~

~~The Regional Board can adopt and enforce requirements on the nature of any proposed or existing waste discharge, including discharges from nonpoint sources. Although the Regional Board is precluded from specifying the manner of compliance with waste discharge limitations, in appropriate cases, limitations may be set at a level which, in practice, requires implementation of Best Management Practices.~~

~~Not all of the categories of nonpoint source pollution follow this three-tiered approach. For example, silviculture activities on non federal lands are administered by the California Department of Forestry. The State Board has entered into a Management Agency Agreement with California Department of Forestry which allows the Regional Boards to review and inspect timber harvest plans and operations for implementation of Best Management Practices for protection of water quality.~~

The Regional Board approach to addressing or regulating categories of nonpoint source pollution is discussed in various sections throughout ~~this chapter.~~the Basin Plan and the Central Coast Region Watershed Management Initiative Chapter (www.swrcb.ca.gov/rwqcb3/).

The Nonpoint Source Pollution Control Program has ~~State Nonpoint Source Management Plan initiated development~~ implements ~~of~~ specific program objectives ~~to be implemented~~ at the State and Regional level. Currently, Regional Board staff ~~are~~ implement~~ing~~ the following State Board program objectives:

A. Control of Nonpoint Source pollution (urban runoff; agriculture; land disturbance activities such as road construction/maintenance, land construction, timber harvesting, and mining; hydrologic modification; and individual disposal systems). ~~These activities~~ Activities include outreach, education, public participation, technical assistance, financial assistance, interagency coordination, demonstration projects, and regulation~~ory~~. ~~activities such as imposing septic tank area prohibitions~~.

B. Preparation of contracts for projects selected for grant funding. Regional Board staff ~~also~~ participate in these projects by providing technical assistance and publicizing their results.

~~C. Implementation of the 1990 Coastal Zone Act Reauthorization Amendments, as developed by the State Board and the California Coastal Commission. This shall be an enforceable Nonpoint Source Management Program to control land use and anthropomorphic activities impacts that have a significant affect on coastal waters. (Further discussion of the Amendments is provided later.)~~

~~D. Initiation of nonpoint source watershed pilot programs.~~

Using State program objectives, Regional Board staff annually develop~~ed~~ task-specific ~~workplans~~work plans to address nonpoint sources of pollution. For the Central Coastal Region, ~~the following~~Nonpoint Source Program tasks ~~are~~ managed and implemented by the Nonpoint Source Program staff are documented in the Central Coast Region Watershed Management Initiative Chapter (January 2002 WMI at www.swrcb.ca.gov/rwqcb3/). ~~:~~

~~Task 1: Water Quality Assessment~~

~~Regional Board staff reviewed and updated the nonpoint source portion of the Water Quality Assessment and prepared water body fact sheets. (The Water Quality Assessment and water body fact sheets are discussed in Chapter Six.)~~

~~Task 2: Watershed Studies/Planning~~

~~Three impaired watersheds (Morro Bay Watershed, San Luis Obispo Creek Watershed, and San Lorenzo River Watershed) have been targeted for intensive activity. Major activities for San Luis Obispo Creek watershed include:~~

~~1. Develop a Demonstration "Total Maximum Daily Load" model.~~

~~2. Create a "San Luis Obispo Creek Riparian Task Force".~~

~~3. Implement a riparian corridor restoration project.~~

~~4. Identify major nonpoint pollutants and sources.~~

~~5. Develop a watershed management program.~~

~~For Morro Bay watershed, the activities include:~~

~~1. Develop a long term monitoring program to assess water quality improvements associated with the implementation of nonpoint source pollution control measures.~~

~~2. Develop funding for the long term monitoring program.~~

~~3. Implement a sediment reduction program using best management practices.~~

~~4. Participate in the Morro Bay Task Force.~~

~~For San Lorenzo River watershed, the activities include:~~

~~1. Develop a detailed assessment of Nonpoint Source impacts in the watershed.~~

~~2. Develop a wastewater management plan for on/off-site wastewater disposal.~~

~~3. Develop of a nutrient objective for the river.~~

~~4. Conduct experimental on-site wastewater treatment to reduce nitrogen discharge into the environment.~~

~~Task 3: Outreach Program~~

~~Staff meets regularly with individuals and local government agencies to promote education and solutions on Nonpoint Source problems. Additionally, the use of grant and loan resources to correct Nonpoint Source problems is emphasized during outreach activities.~~

~~Specific outreach activities include participation on the San Luis Obispo Creek Riparian Task Force, Morro Bay Task Force, and various 319(h)/205(j)/Basin Planning~~

~~Technical Advisory Committees, and development of grant applications with local agencies.~~

~~Task 4: Project Tracking and Participation~~

~~Regional Board staff prepare contracts, coordinate with project proponents, track project progress, review and approve invoices, and provide technical support for Nonpoint Source grant funded projects.~~

Additional management actions are documented in the following:

California Rangeland Water Quality Management Plan

Salinas River Watershed Management Action Plan

Water Quality Protection Program for Monterey Bay National Marine Sanctuary, Action Plan IV: Agriculture and Rural Lands

These documents are located on the Regional Board website at (www.swrcb.ca.gov/rwqcb3/).

BEST MANAGEMENT PRACTICES

Property owners, managers, or other dischargers may implement "Best Management Practices" to protect water quality. ~~(Implementation and enforcement of Best Management Practices are discussed below under the "Nonpoint Source Measures" section of this chapter).~~ The term "Best Management Practices" ~~is used in~~ reference~~s~~ ~~to~~ control measures for nonpoint source water pollutants and is analogous to the terms "Best Available Technology/Best Control Technology" used for control of point source pollutants. The U.S. EPA (40 Code of Federal Regulations Section 103.2[m]) (www.swrcb.ca.gov/rwqcb3/) defines Best Management Practices as follows:

> "Methods, measures, or practices selected by an agency to meet its nonpoint source control needs. Best Management Practices include, but are not limited to structural and nonstructural controls and operation and maintenance procedures. Best Management Practices can be applied before, during, and after pollution producing activities to reduce or eliminate the introduction of pollutants into receiving waters."

U.S. EPA regulations (40 Code of Federal Regulations Section 103.6[b][4][i]) (www.swrcb.ca.gov/rwqcb3/) provide that Basin Plans:

> "...shall describe the regulatory and nonregulatory programs, activities, and Best Management Practices which the agency has selected as the means to control nonpoint source pollution where necessary to protect or achieve approved water uses. Economic, institutional, and technical factors shall be considered in a continuing process of identifying control needs and evaluating and modifying the Best Management Practices as necessary to achieve water quality goals."

Best Management Practices fall into two general categories:

1. Source controls ~~which~~ that prevent a discharge or threatened discharge.

These may include measures such as recycling of used motor oil, fencing stream banks to prevent livestock entry, fertilizer management, street cleaning, revegetation and other erosion controls, and limits on total impervious surface coverage. Because the effectiveness of Best Management Practices is often uncertain, source control is generally preferable to treatment. It is also often less expensive.

2. Treatment controls which remove pollutants from a discharge before it reaches surface or ground waters.

Examples include infiltration facilities, oil/water separators, and constructed wetlands.

Several important points about Best Management Practices must be emphasized~~;~~:

- Best Management Practices are not officially considered "best" practices for use in California unless they have been certified by the State Board.

- The use of Best Management Practices does not necessarily ensure compliance with effluent limitations or with receiving water objectives. Because nonpoint source control has been a priority only since the 1970's, the long-term effectiveness of some Best Management Practices has not yet been documented. Some source control Best Management Practices (e.g., waste motor oil recycling) may be 100 percent effective if implemented properly.

Monitoring and evaluation of Best Management Practice effectiveness is an important part of nonpoint source control programs.

- The selection of individual Best Management Practices must take into account specific site conditions (e.g., depth to ground water, quality of runoff, infiltration rates). Not all Best Management Practices are applicable at every location. High ground water levels may preclude the use of runoff infiltration facilities, while steep slopes may limit the use of wet ponds.

- To be effective, most Best Management Practices must be implemented on a ~~long term~~long-term basis. Structural Best Management Practices (e.g., wet ponds and infiltration trenches) require periodic maintenance, and may eventually require replacement.

- The "state-of-the-art" for Best Management Practices design and implementation is expected to change over time. The State planning process will include periodic review and update of Best Management Practices certifications.

General information on recommended nonpoint source management practices ~~is provided under different water quality problem categories throughout this chapter~~ for urban, agriculture, onsite wastewater disposal, and other land disturbance activities are described in the following sections (also see "Nonpoint Source Pollution Control Program (January 2000)"). For detailed information on the design, implementation, and effectiveness of specific Best Management Practices, the reader should consult the appropriate Best Management Practices Handbook for the project type or location.

Revise the September 8, 1994 Basin Plan, Chapter 4, Page IV-45 and Page IV-46, Section VIII.A. COASTAL ZONE ACT REAUTHORIZATION AMENDMENTS as follows:

VIII.A. ~~COASTAL ZONE ACT REAUTHORIZATION AMENDMENTS~~ Wetlands, Riparian Areas, and Vegetated Treatment Systems

The State has identified four Management Measures (MMs) to promote the protection and restoration of wetlands and riparian areas and the use of vegetated treatment systems as means to control nonpoint sources of pollution. Wetlands and riparian areas reduce polluted runoff by filtering out runoff-related contaminants, such as sediment, nitrogen, and phosphorus, thus maintaining the water quality benefits of these areas is important. These areas also help to attenuate flows from higher-than-average storm events. This protects downstream areas from adverse impacts, such as channel scour, erosion, and temperature and chemical fluctuations. Changes in hydrology, substrate, geochemistry, or species composition can impair the ability of wetland or riparian areas to filter out excess sediment and nutrients and therefore can result in deteriorated water quality. The following activities can cause such impairment: drainage of wetlands for cropland, overgrazing, hydromodification, highway construction, deposition of dredged material, and excavation for ports and marinas.

RECOMMENDED ACTIONS

6A **Protection of Wetlands/Riparian Areas.** Implementation of MM 6A is intended to protect the existing water quality improvement functions of wetlands and riparian areas as a component of NPS Programs.

6B **Restoration of Wetlands/Riparian Areas.** Restoration of wetlands and riparian areas (MM 6B) refers to the recovery of a range of functions that existed previously by reestablishing hydrology, vegetation, and structure characteristics. Damaged or destroyed wetland and riparian areas should be restored where restoration of such systems will significantly abate polluted runoff.

6C **Vegetated Treatment Systems.** MM 6C promotes the installation of vegetated treatment systems (e.g., artificial or constructed wetlands) in areas where these systems will serve a polluted runoff-abatement function. Vegetated filter strips and engineered wetlands remove sediment and other pollutants from runoff and wastewater and prevent pollutants from entering adjacent water bodies. Removal typically occurs through filtration, deposition, infiltration, absorption, adsorption, decomposition, and volatilization.

6D **Education/Outreach.** MM 6D promotes the establishment of programs to develop and disseminate scientific information on wetlands and riparian areas and to develop greater public and agency staff understanding of natural hydrologic systems—including their functions and values, how they are lost, and the choices associated with their protection and restoration.

CONTROL ACTIONS

1. All discharges to the aquatic environment shall be considered temporary unless it is demonstrated that no undesirable change will occur in the natural receiving water quality.

2. The quality of all surface waters of the basin shall be such as to permit unrestricted recreational use.

3. The discharge of pollutants into surface fresh waters shall be discontinued.

4. Erosion from nonpoint pollution sources shall be minimized through implementation of Best Management Practices.

5. All necessary control measures for minimizing erosion and sedimentation, whether structural or vegetal, shall be properly established prior to ~~November~~ October 15 each year.

6. All structural and vegetal measures taken to control erosion and sedimentation shall be properly maintained.

7. A filter strip of appropriate width, and consisting of undisturbed soil and riparian vegetation or its equivalent, shall be maintained, ~~wherever possible,~~ between significant land disturbance activities and

watercourses, lakes, bays, estuaries, marshes, and other water bodies. For construction activities, minimum width of the filter strip shall be thirty feet, ~~wherever possible~~ as measured along the ground surface to the highest anticipated water line.

PROHIBITIONS

1. The discharge or threatened discharge of soil, silt, bark, slash, sawdust, or other organic and earthen materials into any stream in the basin in violation of best management practices for timber harvesting, construction, and other soil disturbance activities and in quantities deleterious to fish, wildlife, and other beneficial uses is prohibited.

2. As specified in Chapter Five (5), Page V-7, Section IV. DISCHARGE PROHIBITIONS.

~~In November 1990, Congress enacted Section 6217 of the Coastal Zone Act Reauthorization Amendments to help address the problem of nonpoint source pollution in coastal waters. Section 6217 requires that coastal states with federally approved coastal management programs develop Coastal Nonpoint Pollution Control Programs. The legislative history indicates that the central purpose of section 6217 is to strengthen the links between federal and State coastal zone management and water quality programs in order to enhance efforts to manage land use activities that degrade coastal beneficial uses. The State coastal zone management agency designated under Section 306 of the Amendments and nonpoint source management agency designated under section 319 of the Clean Water Act will have a dual and co-equal role and responsibility in developing and implementing the coastal nonpoint program.~~

~~The program gives the U.S. Environmental Protection Agency (U.S. EPA) and the National Oceanic and Atmospheric Administration joint authority to approve programs developed by the State to address 6217 requirements.~~

~~The State agencies chosen to develop California's Coastal Nonpoint Pollution Control Program are the State Board and the Coastal Commission. The statute requires that the State program be "coordinated closely with State and local water quality plans and programs." This means that the State's nonpoint source programs under Sections 208 and 319 of the Clean Water Act and the coastal program must be examined to determine if they comprehensively address land use activities and anthropomorphic effects that have a significant effect on coastal waters. In addition, the State agencies are charged with developing a coordinated program that:~~

- ~~identifies categories of nonpoint sources that adversely impact coastal waters;~~
- ~~describes management measures to be implemented;~~
- ~~identifies the land uses and critical coastal areas that will require more stringent or additional management measures;~~
- ~~describes the State-developed additional management measures to be implemented in critical areas;~~
- ~~documents the authorities the State will use to implement both the guidance and additional management measures, including designation of a lead agency for each source category and/or subcategory; and~~
- ~~sets forth a schedule to achieve full implementation of the guidance management measures within three years of program approval by U.S. EPA and National Oceanic and Atmospheric Administration, and full implementation of additional management measures within six years of program approval.~~

~~The Coastal Commission and the State Board staff have been working on a strategy to develop the required Coastal Nonpoint Pollution Control Program plan. Recently, the State Board directed staff to review and revise the statewide Nonpoint Source Management Plan to include a strong coastal component. Revision of the Plan is intended to satisfy the requirements of Section 6217 within the existing framework of current nonpoint source activities.~~

~~On a Regional Board level, staff has been involved with the statewide program since 1991. A pilot project, "The New Coastal Nonpoint Pollution Control Program using the Morro Bay Watershed as a Model" was performed to assess the feasibility of establishing the Coastal Nonpoint Pollution Control Program in California. Regional Board staff supplied technical information and reviewed reports. Concerted planning and implementation efforts on target coastal watersheds such as Morro Bay will be major accomplishments to satisfy Coastal Nonpoint Pollution Control Program requirements. As the program goes statewide, Regional Board staff will attend technical advisory committee meetings and will work closely with staff of the State Board and other Regional Boards, as well as staff of other relevant local, State, and federal agencies to~~

develop a workable Coastal Nonpoint Pollution Control Program.

Wastewater originating from nonpoint sources includes those from urban runoff, agricultural activities, on-site sewage disposal systems, and land disturbance activities. Management of these types of nonpoint source discharges are discussed in the following section. The Regional Board will be developing management practices for marinas and recreational boating; hydromodification facilities; and wetlands, riparian areas, and vegetated treatment systems at a future date.

Revise the September 8, 1994 Basin Plan, Chapter 4, Page IV-68 and Page IV-69, Section VIII.E.1. LAND DISTURBANCE ACTIVITIES as follows:

VIII.E. LAND DISTURBANCE ACTIVITIES

Construction, mining, and other soil disturbance activities ~~which~~ that ~~may~~ disturb or expose soil or otherwise increase susceptibility of land areas to erosion are difficult to regulate effectively. Construction projects or timber harvesting activities ~~may~~ often begin and end with no obvious impairment of stream quality; however, erosion or ~~land slides~~landslides the following winter may be directly related to earlier land disturbance or tree cutting. ~~Mining and quarrying activities are generally longer in duration.~~

Under contract with the Regional Board, the California Association of Resource Conservation Districts completed a study entitled, "Erosion and Sediment in California Central Coast Watersheds - A study of Best Management Practices" (Erosion Study), dated June, 1979. This Erosion Study, funded under Section 208 of the Clean Water Act, assesses impacts of erosion and sedimentation on water quality and beneficial uses in nondesignated planning areas (San Benito, San Luis Obispo, and Santa Barbara Counties) of the Central Coast Region. This Erosion Study and supporting documents have been used by the Regional Board in developing erosion and sedimentation control policy.

Nonpoint source pollution in the remainder of the Region is addressed by designated planning agencies through their respective Area wide Waste Treatment Management Plans. Designated agencies and the areas affected within this Region include: Association of Bay Area Governments (portions of San Mateo and Santa Clara Counties), Association of Monterey Bay Area Governments (Santa Cruz and Monterey Counties), and Ventura County Board of Supervisors (portion of Ventura County). The policy herein described is compatible with those plans and is within the scope of the Regional Board authority.

The Erosion Study and Area wide Waste Treatment Management Plans identify examples of accelerated erosion resulting from insufficient land management of soil cultivation, grazing, silvaculture, construction, and off-road vehicle activities, as well as wildfires.

Adverse impacts of sediment are identified, in part, as: impairment of water supplies and ground water recharge, siltation of streams and reservoirs, impairment of navigable waters, loss of fish and wildlife habitat, degradation of recreational waters, transport of pathogens and toxic substances, increased flooding, increased soil loss, and increased costs associated with maintenance and operation of water storage and transport facilities. Recommendations based on conclusions of the Erosion Study and practices recommended in Area wide Waste Treatment Management Plans are a means to reduce unnecessary soil loss due to erosion and to minimize adverse water quality impacts resulting from sediment.

~~When a practice or combination of practices is found to be the most effective, practical (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals, it is designated a Best Management Practice (BMP). BMPs are determined only after problem assessment, examination of alternative practices, and appropriate public participation in the BMP development process.~~

RECOMMENDED ACTIONS

1. Land use practices should assure protection of beneficial water uses and aquatic environmental values.

2. There shall be no waste discharged into areas that possess unique or uncommon cultural, scenic, aesthetic, historical or scientific values. The Regional Board will define such areas.

3. Property owners are considered ultimately responsible for all activities and practices that could result in adverse affects on water quality from waste discharges and surface runoff.

4. Local units of government should have the lead role in controlling land use activities that cause erosion and may, as necessary, impose further conditions, restrictions, or limitations on waste disposal and other activities that might degrade the quality of waters of the State.

5. Use of soil sterilants is discouraged and should be minimized.

Erosion Study Recommendations

General recommendations based on conclusions of the Erosion Study are discussed below. These recommendations are considered to be Best Management Practices (BMPs) by the Regional Board as are the Area wide approved water quality management plans.

1. Soil conservation control measures should be used to minimize impacts that would otherwise result from soil erosion. Control measures are identified according to systems, which are then broken down into subsystems of erosion control techniques or component measures.

   For example, a system for control of erosion from construction sites would identify component measures such as debris basins, access roads, hillside ditches, etc. Other conservation control systems include: conservation cropping, conservation irrigation, roadside erosion control, critical area treatment, diversions and ditches, grade stabilization, pasture and range management, runoff and sediment control ponds and basins, stream bank and channel protection, and watershed, wildlife, and recreation land improvement. These control measures are comparable to the USDA ~~Soil~~ Natural Resources Conservation Services' Resource Management Subsystem approach as referenced in AMBAG's "Water Quality Management Plan for the Monterey Bay Region," dated July 1978, and in ABAG's, "Handbook of Best Management Practices," dated October 1977.

   Experience has shown that no one control measure best solves an existing, or prevents a potential, pollution problem - especially in the area of soil erosion and sedimentation. As land use, the land user, and various situations change, so does the need for control measures. Before application, an on-site investigation with the land user is necessary to determine which practice or set of practices will be most effective and acceptable.

2. Erosion control should be implemented in a reasonable manner with as much implementation responsibility remaining with existing local entities and programs as is possible and consistent with water quality goals.

3. The Regional Board and local units of government should establish a clear policy for control of erosion, including consideration of off-site and cumulative impacts and the imposition of performance standards according to the sensitivity of the area where land is to be disturbed.

4. Effective ordinances and regulatory programs should be adopted by local units of government. Effective programs would allow only land disturbance actions consistent with the waste load capacity of the watershed, require preparation of erosion and sediment control plans with specific contents and with attention to both offsite/on-site impacts, identify performance standards, be at least comparable to the model ordinance in the "Erosion and Sediment Control Handbook," dated May 1978, and have provisions for inspection follow-up, enforcement, and referral.

5. Watersheds with critical erosion and sediment problems should be identified by one or more concerned agencies such as the California Department of Fish and Game, the Regional Board, the local Environmental Health, Planning, or Engineering Departments, the local Flood Control District, or the local Resource Conservation District, and then referred to the remaining agencies by a designated local coordinating agency for determining the scope, nature, and significance of the identified problem. The designated local agency would evaluate the adequacy and appropriateness of the total assessment, including an assessment of the problem and causes, alternatives considered, recommended interim and permanent control measures, and the amount and sources of funding. The evaluation would then be submitted as an Impact Findings Report for consideration and decision by the local governing body.

6. Comprehensive and continuous training should be mandatory for building and grading inspectors, engineers, and planners involved in approving, designing, or inspecting erosion control plans and on-site control measures. The training program would preferably be conducted on an inter-county/agency basis and be administered through a USDA Natural Resources~~Soil~~ Conservation Service cooperative training arrangement or ~~through seminars~~through seminars conducted by the USDA Natural Resources~~Soil~~ Conservation Service and the University of California Cooperative Extension seminars. The Soil Conservation Society of America should be requested to assist in establishing an effective training program, including public education to heighten awareness of the adverse affects of erosion and sediment on soil and water resources.

7. ~~More intensive erosion controls should be considered within four watersheds (Lauro Reservoir and Devereaux Ranch Slough in Santa Barbara County and Pismo Lake and Morro Bay in San Luis Obispo County) with apparent critical erosion and sediment problems. Alternative practices that may be implemented to effect the necessary level of control are assigned a relative priority.~~

Actions By Other Authorities

1. The federal government should increase its support of erosion and sediment control programs by increasing its technical staff, increasing cost-share funds, increasing the availability of low-interest loans, and changing its income tax laws to encourage the use of Best Management Practices for erosion and sediment control.

2. The State of California should establish an erosion and sediment control program that includes incentives for the individual - such as cost-sharing, changes in State law that would reduce property taxes for enduring erosion and sediment control practices, and incentives through state income taxes.

3. Resource Conservation Districts within the Central Coast Region should develop management agency agreements with the Regional Board agreeing to work jointly with the Regional Board to integrate soil and water resource programs in the application of Best Management Practices to correct existing erosion and sediment problems and to prevent new problems from occurring.

4. Local units of government should improve land use plans to establish a clear policy, and shall adopt or improve ordinances to include definitive performance standards, for the control of erosion and sedimentation, including consistency with this Basin Plan and Best Management Practices. ~~identified under Regional Board "Management Principles."~~

5. Local units of government developing Local Coastal Programs shall establish a clear policy on erosion and sedimentation and adopt an ordinance consistent with Best Management Practices for their land areas within the Coastal Zone.

6. Resource Conservation Districts, the U.S.D.A. ~~Soil~~ Natural Resources Conservation Service, the California Department of Transportation, and the U.C. Cooperative Extension Service, in conjunction with ~~the~~ cities and counties, should develop and carry out an erosion and sediment control training program for employees who check erosion and sediment control plans and who enforce local ordinances and regulations relating to erosion and sediment control practices.

7. Counties and cities should work with the Regional Board to identify priorities, time schedules, and limitations and to negotiate management agency agreements concerning implementation of Best Management Practices for control of erosion and sedimentation.

8. Review and assessment of erosion and sediment control plans for new land developments in those counties and cities that have signed management agency agreements with the Board will be processed entirely by that county or city.

CONTROL ACTIONS

1. All discharges to the aquatic environment shall be considered temporary unless it is demonstrated that no undesirable change will occur in the natural receiving water quality.

2. The quality of all surface waters of the basin shall be such as to permit unrestricted recreational use.

3. The discharge of pollutants into surface fresh waters shall be discontinued.

4. In implementing BMP's through local units of government, or through State and federal agencies for lands under their control, working relationships, priorities, and time schedules will be defined in management agency agreements between the area wide waste treatment planning agency and the local management agency. Agreements will be reviewed and updated annually to reflect recent achievements, new information and new concerns.

5. Regional Board participation in sediment control programs shall include assistance in the establishment of local control programs, participation in the determination of water quality problems, and a cooperative program evaluation with local units of government. Regional Board enforcement authority will be exercised where local

volunteer programs fail to correct sediment problems within a reasonable period.

6. Emergency projects undertaken or approved by a public agency and necessary to prevent or mitigate loss of, or damage to, life, health, property, or essential public services from an unexpected occurrence involving a clear and imminent danger are exempt from this chapter providing such exemption is in the public interest.

7. Regulation of sediment discharges from routine annual agricultural operations, such as tilling, grazing, and land grading and from construction of agricultural buildings is waived except where such activity is causing severe erosion and causing, or threatening to cause, a pollution or nuisance.

8. Regulation of discharges from State and federal lands managed by agencies operating in accordance with approved management agency agreements is waived except where such activity is causing, or threatening to cause, a pollution or nuisance.

9. Erosion from nonpoint pollution sources shall be minimized through implementation of Best Management Practices.

10. All necessary control measures for minimizing erosion and sedimentation, whether structural or vegetal, shall be properly established prior to ~~November~~ October 15 each year.

11. All structural and vegetal measures taken to control erosion and sedimentation shall be properly maintained.

12. A filter strip of appropriate width, and consisting of undisturbed soil and riparian vegetation or its equivalent, shall be maintained, ~~wherever possible,~~ between significant land disturbance activities and watercourses, lakes, bays, estuaries, marshes, and other water bodies. For construction activities, minimum width of the filter strip shall be thirty feet, ~~wherever possible~~ as measured along the ground surface to the highest anticipated water line.

13. Design and maintenance of erosion and sediment control structures, (e.g., debris and settling basins, drainage ditches, culverts, etc.) shall comply with accepted engineering practices.

14. Cover crops shall be established by seeding and/or mulching, or other equally effective measures, for all disturbed areas not otherwise protected from excessive erosion.

15. Land shall be developed in increments of workable size that can be completed during a single construction season. Graded slope length shall not be excessive and erosion and sediment control measures shall be coordinated with the sequence of grading, development, and construction operations.

Revise the September 8, 1994 Basin Plan, Chapter 4, Page IV-68 through Page IV-69, Section VIII.E.1. LAND DISTURBANCE PROHIBITIONS as follows:

~~VIII.E.1. LAND DISTURBANCE PROHIBITIONS~~ PROHIBITIONS

The discharge or threatened discharge of soil, silt, bark, slash, sawdust, or other organic and earthen materials into any stream in the basin in violation of best management practices for timber harvesting, construction, and other soil disturbance activities and in quantities deleterious to fish, wildlife, and other beneficial uses is prohibited.

The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen materials from timber harvesting, construction, and other soil disturbance activities at locations above the anticipated high water line of any stream in the basin where they may be washed into said waters by rainfall or runoff in quantities deleterious to fish, wildlife, and other beneficial uses is prohibited.

Soil disturbance activities not exempted pursuant to Regional Board Management Principles in Chapter Five and Control Actions contained in this Chapter ~~Five~~ are prohibited:

1. In geologically unstable areas,

2. On slopes in excess of thirty percent (excluding agricultural activities), and

3. On soils rated a severe erosion hazard by soil specialists (as recognized by the Executive Officer) where water quality may be adversely impacted;~~:~~

Unless,

a. In the case of agriculture, operations comply with, a Farm Conservation or Farm Management Plan, approved by a Resource Conservation District or the USDA Soil Conservation Service;

b. In the case of construction and land development, an erosion and sediment control plan or its equivalent (e.g., EIR, local ordinance) prescribes best management practices to minimize erosion during the activity, and the plan is certified or approved, and will be enforced by a local unit of government through persons trained in erosion control techniques; or,

c. There is no threat to downstream beneficial uses of water, as certified by the Executive Officer of the Regional Board.

4. As specified in Chapter Five (5), Page V-7, Section IV. DISCHARGE PROHIBITIONS.